

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

BAKER HOMES TENANT COUNCIL,  
INC.,

Plaintiff,

v.

ORDER  
14-CV-284A

LACKAWANNA MUNICIPAL HOUSING  
AUTHORITY, et al.,

Defendants.

---

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On October 20, 2014, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendants Lackawanna Municipal Housing Authority and executive director Polanski's motion to dismiss the Amended Complaint (Dkt. No. 24) be granted. Further, the Magistrate Judge recommends that plaintiffs' motion to amend the Complaint (Dkt. Nos. 12 and 19) should be denied as to the moving defendants, and that leave to amend as to defendant City of Lackawanna should be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motion to dismiss the Amended Complaint (Dkt. No. 24) is granted. Further, plaintiffs' motion

to amend the Complaint (Dkt. Nos. 12 and 19) is denied as to the moving defendants, and leave to amend as to defendant City of Lackawanna is denied.

The matter is referred to Magistrate Judge Scott for further proceedings.

IT IS SO ORDERED.

*Richard J. Arcara*

---

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: December 11, 2014